XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(25)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Misc. Appeal No. 499/2005

APPELLANT United India Insurance Company Limited, through Branch Manager, Stadium Road, T.P. Nagar, Korba, Tahsil and District Korba (C.G.),
(Insurance Company)

Versus

RESPONDENTS
1. Harprasad Suryavanshi, aged about 32 years, son of Bhadauram Suryavanshi, resident of village Sis, Diprapara, P.S. Ratanpur, Tahsil Ratanpur, District Bilaspur (C.G.) Claimant
2. Laxminarayan, aged 25 years, son of Mirit Ram, Caste Gond, resident of Pulalikala, P.O. Podi (Lafa), Tahsil and P.S. Pali, District Korba (C.G.) Vehicle driver
3. Ramnarayan, aged 29 years, son of Mirit Ram, Caste Gond, Resident of Pulalikala, P.O. Podi (Lafa), Tahsil and P.S. Pali, District Korba (C.G.) Vehicle owner

18-4-2007

Shri Pankaj Agrawal, Advocate for the appellant.

None appears for the respondents.

Heard.

The appellant/Insurance Company has preferred this appeal against the award dated 31-1-2005 passed in Claim Case No. 13/2004 by 10th Additional Motor Accident Claims Tribunal (F.T.C.), Bilaspur whereby a sum of Rs. 53,000/- has been awarded in favour of the respondent No. 1. The respondents No. 2 and 3 have been jointly and severely made liable for payment of

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(26)

मामला क्रमांक M.A.No.499/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

compensation absolving the appellant from liability of payment of compensation, however the appellant has been directed to pay compensation to the claimant, and held that the appellant shall be entitled to recover the amount of compensation from the owner Ram Narayan.

In view of the law laid down by Hon'ble Supreme Court in the matter of **National Insurance Co. Ltd. –v- Swaran Singh and others** reported in **2004 AIR SCW 663,** the discretion exercised by the Claims Tribunal in directing the appellant to satisfy the award at first instance and liberty to the appellant to recover the awarded amount from the owner or driver thereof does not require interference and the appeal deserves to be dismissed and it is accordingly dismissed. However, it is made clear that dismissal of this appeal shall not come in the way in appeal, if any, preferred by the respondents.

Sd/-
DHIRENDRA MISHRA
Judge